THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.12716 of 2007

Date 19-6-2007

Between:
Ch.V.H. Vijayakumar

.....

PETITIONERS
AND

The Collector & District Magistrate,
Guntur and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.12716 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The petitioners filed the present writ petition seeking a writ of Mandamus declaring the order of the 1st respondent in Rc. No. 88 of 2007, dated 23.2.2007 as arbitrary, illegal and violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and consequently set aside the same by setting aside the orders of the A.P. Administrative Tribunal made in O.A No. 1440 of 2007, dated 18.4.2007.

The petitioner herein was appointed as Panchayat Secretary of Dandamudi Village. While so, through order dated 7.2.2007 he was posted as Village Revenue Officer, Purushothapatnam of Chilakaluripet Mandal. At that time, the 4th respondent herein who was working as Part-time Assistant at Purushothapatnam was posted as Village Revenue Officer at Pasumarru by order dated 7.2.2007. Questioning the same, the 4th respondent filed O.A. No. 778 of 2007 before the Tribunal. Through order dated 15.2.2007, the Tribunal disposed of the said O.A. directing the second respondent in that O.A. to pass orders on the representation of the 4th respondent in the light of G.O. Ms. No.105, Revenue Department, dt. 31.1.2007. Thereafter, the Collector passed orders on 23.2.2007 transferring the 4th respondent as V.R.O. of Purushothapatna village and the posting the petitioner to Pasumarru Village of Chilakaluripet Mandal. Aggrieved by the same, petitioner filed O.A. No. 1440 of 2007 before the

Tribunal. The Tribunal, by the order impugned in this present writ petition declined to interfere with the transfer orders and dismissed the O.A. Hence, the present writ petition.

Learned counsel for the petitioner submits that the 1st respondent passed the order transferring the petitioner to Pasumurru Village of Chilakaluripet Mandal without giving any notice to him. He further submits that the transfer order is not based on any administrative grounds, but it is only made to accommodate the 4th respondent and since Pasumarru is 60 kms., away from Purushothapuram, he will be put to lot of inconvenience. He, therefore, prayed that the order of the 1st respondent be set aside and the writ petition be allowed.

Since the impugned order dated 23.2.2007 was passed by the Collector without issuing any notice and without affording any opportunity of hearing to the petitioner in violation of the principles of natural justice, the Tribunal ought to have allowed the O.A. by setting aside the order of the 1st respondent. Hence, we deem it proper to set aside the orders of the Tribunal as well as the 1st respondent and remit the matter to the 1st respondent for passing fresh orders after giving opportunity of hearing to the petitioner.

Accordingly, the writ petition is allowed. The impugned orders dated 23.2.2007 and 18.4.2007 of the 1st respondent as well as the Tribunal are set aside and the matter is now remitted to the 1st respondent for passing fresh orders in the matter after affording opportunity of hearing to the petitioner as well as the 4th respondent in accordance with the rules governing the transfer of V.R.Os. Till such time, status-quo obtaining as on today shall be maintained.

The writ petition is accordingly allowed. No costs.

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T. MEENA KUMARI,J

DATE: 19th June, 2007

G. CHANDRAIAH,J

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